THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22605 of 2006

01.11.2006

Between
B.Chandra Sekhar, S/o.B.Satyanarayana

… Petitioner

AND

The District Registrar, Registration & Stamps Department,
Kadapa District at Kadapa
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22605 of 2006

ORDER:

The petitioner purchased the land admeasuring Acs.4.74 cents in survey No.376 situated at Thollagangannapalle Village of Valluru Mandal in Kadapa District belonging to Kadapa District Cooperative Central Bank Limited. When the sale deed was presented before the second respondent for registration, initially the same was not accepted. The petitioner then filed W.P.No.17635 of 2006. This Court by order dated 01.9.2006 disposed of the said writ petition directing the second respondent to consider the sale deed presented by the petitioner and if for any reason the same cannot be registered, to give reasons therefor. Thereafter, the petitioner approached the second respondent, who kept the document dated 29.9.2006 pending observing that classification of the land is not changed in the records of the office. Aggrieved by the same, the petitioner again filed the present writ petition seeking direction to the respondents to register the document No.P.11460 of receipt No.17624, dated 29.9.2006.

As rightly pointed out by the learned Assistant Government Pleader for Revenue (General-A), when once the second respondent i.e., the Registering Authority keeps the document pending for certain clarification, remedy of the person presenting the document is to file appeal under Section 71 of the Registration Act, 1908 (the Act, for brevity). If the District Registrar directs the registration of such

document, the Registering Authority is bound to register the document. In case, the District Registrar i.e., the Appellate Authority declines to give direction for registration, the aggrieved person has to file a suit under Section 77 of the Act.

In this case, though the land was originally belonged to a Cooperative Central Bank, which was purchased by the petitioner, there is a controversy as to whether the said land is assigned land or not. Therefore, it would be in the interest of the petitioner to approach the first respondent and file appeal within one week from the date of receipt of a copy of this order. As and when the petitioner files appeal, the first respondent may decide the appeal within a period of one week thereafter.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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November 01, 2006 (**V.V.S.RAO,J**)

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